

**ARTICLE 12.00**  
**SUPPLEMENTARY DISTRICT REGULATIONS**

**12.01            Regulations Applicable to All Districts**

The following supplemental regulations shall apply to specified districts.

**12.01.010        Visibility at Intersections**

On a corner lot in any district, except CC, nothing shall be erected, placed, planted, or allowed to be grown in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

**12.01.020        Fences, Walls, and Hedges**

Notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard except as prohibited in Section 12.02 above.

**12.01.030        Accessory Structures**

No accessory structures shall be erected in any required front yard. Accessory structures such as detached garages and storage buildings may be located at any point at least five (5) feet behind the principal structure, and a minimum of four (4) feet from all side and rear property lines. No accessory structures are permitted in any easements. A garage may be connected to the principal residence but must adhere to the prescribed yard setbacks for the zoning district.

**12.02   Preliminary Master Development Plan and Final Site Development Plan Requirements and Approval**

As required by this Ordinance, the establishment of certain zoning districts shall be conditioned upon the application for and approval of a preliminary master development plan after public hearing as specified in Section 15.07 of this Ordinance. This section outlines the plan requirements and the process for preliminary master development plan and final master development plan review and approval.

**12.02.010        Preliminary Master Development Plan Required**

- A. Pre-application Conference: Prior to the filing of the application for a zoning amendment requiring the approval of a preliminary master development plan, the applicant shall confer with the City Planning and Engineering staff to determine whether the applicant is proceeding under the proper section of this ordinance, to

consider the desirability or necessity of amending the application or previously approved preliminary master development plan, to clarify the issues to be addressed with the application, and to discuss any other issue that may aid in the disposition of the project.

- B. Preliminary Master Development Plan Information: A preliminary master development plan shall be prepared and submitted to the Planning Commission as part of the application for a zoning amendment. The preliminary master plan shall be a general concept plan which shall be drawn to a scale of not less than 100 feet to the inch and shall include the following information:
1. Written description of the proposed project, including information addressing the overall concept, proposed uses and development schedule of the project.
  2. Property boundary lines, dimensions, topography, general physical features of the property, and a location map of the proposed project.
  3. Identification of surrounding property owners according to the latest tax roll available at the Sumner County Property Assessor's Office.
  4. Generalized transportation plan including routes of proposed major streets, driveways, sidewalks, and pedestrian ways.
  5. Identification of the proposed use of the property, including a tabulation of the land area to be devoted to various uses and activities and overall densities.
  6. A general landscaping plan including the location of major existing growth that is to be retained. The landscape plan shall include general information pertaining to bufferyards and required landscaped areas and open space areas.
  7. General locations and types of utilities and easements.
  8. General locations and description of proposed storm drainage.
  9. Preliminary estimates of traffic volumes and movements to and from the completed project and along the boundary streets.
  10. General information sufficient to describe the general design of the development as required by the City Planner.
  11. Proposed means of dedication of common open space areas and description of the proposed organizational arrangements for the ownership, maintenance, and preservation of common open space.
  12. A preliminary time schedule for completion of the entire project.

#### 12.02.020      Adoption of a Preliminary Master Development Plan

The following steps shall constitute the process by which a preliminary master development plan is adopted:

- A. The Planning Commission shall study the preliminary master development plan and supporting data and may make suggestions for changes and adjustments. Upon review and discussion, the Commission shall recommend approval or disapproval of

the preliminary master development plan and submit this recommendation with a brief report to the Mayor and Aldermen.

The Mayor and Aldermen shall review and discuss the proposed preliminary master development plan and approve or disapprove the proposal with or without conditions. The Mayor and Aldermen's actions shall comply with Section 15.07 of this Ordinance and shall constitute the final action required of a proposal for preliminary approval. Whenever the Mayor and Aldermen approve the preliminary master development plan and supporting material, one copy shall be filed in the Office of the Zoning Administrator/City Planner and one copy shall be given to the Owner.

Upon receipt of the approved preliminary master development plan, the Owner may proceed with preparation of final master development plans and specifications for all or for any portion of the project. The final master development plan shall be reviewed and approved by the Planning Commission according to the provisions of Section 12.02.030. Upon approval by the Planning Commission, one copy shall be filed in the office of the Zoning Administrator/City Planner. No building permits shall be issued until the final master development plan of the proposed development, or portion thereof, is approved and filed with the Zoning Administrator/City Planner.

- B. Modification of Master Development Plan: The Planning Commission or the Mayor and Aldermen may require modification of a preliminary master development plan as a prerequisite for approval. Required modifications may be more restrictive than district and/or supplementary regulations and may include, but not be limited to, project phasing, provision for additional bufferyards, open space, landscaping and screening, installation of erosion control measures, improvement to access and circulation systems, rearrangement of structures or uses within the site, and location and character of signs, architectural design of the proposed development, and other modifications deemed necessary to ensure compatibility with the surrounding environment and to protect public health, safety, and welfare.
- C. Revisions to a Master Development Plan Approval: The Planning Commission may approve an application for modification of a previously-approved preliminary master development plan approval if it is determined that the revisions do not affect the findings relating to the criteria outlined in 12.02.050, leading to the original approval.
- D. New Applications Following Denial or Revocation: No application for approval of the same or substantially the same site may be filed within one (1) year of the date of denial of a preliminary master development plan review by the Mayor and Alderman. The Owner may petition the Mayor and Aldermen to grant a new review of the site if undue hardship or new facts concerning the site and/or application can be demonstrated.

- E. Approval to Run with the Land: A preliminary master development plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon change of ownership of the site or structure that was the subject of the application.
- F. Master Development Plan – Granting of Exceptions to Bulk Regulations: An applicant requesting approval of a Preliminary Master Development Plan or Final Master Development Plan may request exceptions from the zoning district bulk regulations governing yard, minimum building setback, minimum lot width, and maximum building height as may be necessary or desirable to achieve the objectives of the proposed planned development. Exceptions may be granted in order to achieve a more desirable site development than would result if the requirements of this ordinance were strictly adhered to.

Exceptions must be specifically requested in the application for a planned development, provided, however, no modifications of the district requirements may be allowed when such proposed modification will result in a development which will be incompatible with the purposes of this Ordinance. Modifications of standards may be granted based upon the recommendation of the Planning Commission, and determination by the Board of Mayor and Alderman, that the exceptions will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located. In approving exceptions, the Board of Mayor and Alderman may impose conditions which will secure substantially the objectives, standards, and requirements of this Ordinance.

12.02.030      Final Approval by the Planning Commission of a Final Master Development Plan

The Mayor and Aldermen's approval of a preliminary master development plan establishing a defined zoning district shall authorize and form the basis for the Planning Commission's final approval of said development. The final approval of the Planning Commission of the development shall be subject to the following procedures and requirements:

- A. Pre-application Conference: Prior to the filing of the application for a final master development plan, the applicant shall confer with the City Planning and Engineering staff to determine whether the applicant is proceeding according to the conditions of approval of the preliminary master development plan, to consider the desirability or necessity of amending the application or previously approved preliminary master development plan, to clarify the issues to be addressed with the application, and to discuss any other issue that may aid in the disposition of the project.
- B. Application for Final Master Development Plan Approval: After the approval of a preliminary master development plan, the landowner may make application to the Planning Commission for final approval of the development or portion thereof

provided that the proposed final master development plan is in substantial conformance with the substance of the preliminary approval by the Mayor and Aldermen. Prior to submission of the final master development plan application, the final master development plan shall include all information contained in the master development plan receiving approval plus the following information:

1. Property boundary lines and dimensions, topography (5' contour intervals), location map.
2. Arrangement and size of buildings and the specific use of the property.
3. Information pertaining required bulk regulations as required in Section 08.04.040. A, including the size of the site, lot area, floor area ratio, lot width, building height(s), building setback lines, front yards, side yards and rear yards.
4. Areas to be developed for parking, unloading, drives, walkways, recreation, or other uses designed in accordance with Articles 11.00 and 13.00.
5. Detailed landscape plans including the location of major existing growth that is to be retained. The landscape plan shall include specific information pertaining to bufferyards, open space, and required landscaped areas as required by the preliminary master development plan and various sections of this ordinance.
6. Detailed locations and types of utilities and easements including storm drainage as well as specific details of all surfaced areas.
7. Traffic study including estimates of traffic volumes and movements to and from the completed project from the boundary streets, and recommended improvements as required by the City Engineer in accordance with Section 13.06.
8. Details of the proposed traffic control and access management plan as required by Section 13.06. Plans shall also include details for street improvements, and grading and earth moving plans showing existing and proposed topography at 2-foot contour intervals.
9. Detailed architectural plans and elevations sufficient to indicate building, height, bulk, materials, and architectural design as required by Article 13.00, or if required by the City Planner.
10. Detailed signage plans and elevations sufficient to indicate the design of proposed signage, height, materials and overall amount of signage.
11. Time schedule for completion of the project.
12. A statement regarding the proposed method of operating and maintaining the project.
13. A statement of adequate surety, in the form of a performance bond as specified in Section 15.03.080, to ensure construction of the planned development within the proposed phasing/time schedule.
14. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Also, the proposed final master development plan shall follow all applicable procedures and requirements governing the subdivision of land, and no building permit shall be issued for the project until a final plat, if necessary, of the proposed development, or portion thereof, is approved, filed, and recorded.

- C. Final Planning Commission Action: Upon receipt of an application for final approval of a final master development plan, the Planning Commission shall examine the final master development plan and determine whether it substantially conforms to all applicable criteria and standards, and whether it substantially conforms in all respects to the previously approved preliminary master development plan. The Planning Commission may impose such conditions of approval as are, in its judgment, necessary to ensure conformity to the applicable criteria and standards.

12.02.040 Lapse of Approval

A preliminary master development and/or final master development plan approval shall become void two (2) years after the date on which the approval became effective unless the applicant:

1. Receives a final master development plan approval,
2. Receives a final site development plan approval (for previously-approved master development plans),
3. A building permit (includes permits issued according to previously-approved final site development plans), and/or
4. Diligently carries out construction prior to expiration of that period.

If no final master development plan approval or building permit issuance is requested on the subject property at the end of this period, the Planning Commission shall review its previous recommendations and actions on the subject property and provide to the governing authority a recommendation to: (1) extend the current approval of the subject tract for a period not to exceed two years; (2) revise the current approval in regard to the use, bulk, and/or design standards required of the current approval; or (3) cancel the current approval and impose a new base zoning district on the subject project.

Furthermore, all previously approved master development plans within a defined district (or portions thereof), which have not received final master development plan approval prior to the enactment of this Ordinance, the design standards and regulations contained in Articles 11.00 and 12.00 shall be applied and required of these developments. A revised master development plan indicating the proposal's conformance with the new design standards contained herein shall be submitted and approved prior to the review and approval of a final master development plan for the proposed development or any portion thereof.

Nothing in this Section shall be construed to convey to the owner of land, subject to an approved preliminary or final master development plan, a vested property interest in a particular zoning district.

12.02.050      Procedures to Amend a Preliminary Master Development Plan or Final Master Development Plan

Major amendments to the master development plan must be submitted to the Planning Commission for review and recommendations and approved by the Mayor and Aldermen. Major amendments shall include, but not be limited to:

- A. An increase in the density of the development;
- B. Substantial changes in circulation or access;
- C. Substantial changes in the mix of dwelling unit types included in the project;
- D. Substantial changes in grading or utility provision;
- E. Substantial changes in the mixture of land uses;
- F. Reduction in approved open space, landscaping, and bufferyards;
- G. Substantial changes in architectural or site design features of the development; or
- H. Any other change that the City Planner determines to be a major divergence from the approved preliminary master development plan. The Planning Commission may overrule this determination upon the favorable vote of a majority of the entire membership of the Planning Commission.

All other changes in the preliminary or final master development plan shall be considered revisions to the approved plan. The planning commission may approve these minor revisions.

**12.03    Unassigned**

**12.04    Unassigned**

**12.05    Minimum Spacing of Buildings on a Single Zone Lot**

In all districts, the minimum distance between any two buildings on any single zone lot shall be as provided in this section, except that these provisions do not apply to space between a building enclosing a principal permitted use and a garage or other unoccupied building accessory thereto.

12.05.010    Minimum Distance Between Buildings

Notwithstanding any other provisions of this Ordinance, two or more buildings may be constructed on a single zone lot if parking spaces and usable open space are and will continue to be available in the same proportion to all occupants of the buildings on the lot. The minimum distance between buildings shall be twenty (20) feet.

- A. “Mini” warehouses must have a distance of thirty (30) feet between buildings.

#### 12.05.020 Minimum Required Yard Area

Regardless of the orientation of buildings, no less than the minimum yards required by the district regulations in which such development is located shall be maintained along the outer boundaries of the zone lot.

#### 12.05.030 Subdivision of Zone Lot After Development

In all districts, after any portion of a zone lot has been developed under the provisions of this Section 12.05, such zone lot may be subdivided into smaller zone lots only if each resulting zone lot and building or buildings thereon comply with all of the appropriate regulations pertaining to bulk, yards, open space, and parking and loading requirements of the district in which they are located.

#### 12.06 Exception to Height Regulations

The height limitation contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

#### 12.07 Structures to Have Access

Every structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

#### 12.08 Parking, Storage, or Use of Major Recreation Equipment

For the purpose of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, tent trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district in any front yard; provided, however, that such equipment may park anywhere on residential premises not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. Provided, however, that such equipment may park anywhere on the lot not too exceed twenty four (24) hours or permanently toward the rear of the dwelling.

#### 12.09 Special Provisions for Party Walls

##### 12.09.010 General Provisions



Within those districts where two family dwellings (duplexes) may be located upon single zone lots, such zone lots may be subdivided by party wall into two separate zone lots, provided that all site plan information is provided along with a subdivision plat. In no case shall these provisions apply to the development of more than ten (10) coterminous structures. In granting approval of the site plan, the planning commission shall be guided by the following criteria:

- A. Other than the zero-lot line separating the two dwelling units or zone lot, all other lot, yard, and density requirements of the zoning district shall be met.
- B. No zero side yard shall be adjacent to any public or private right-of-way.
- C. No portion of a dwelling or architectural features of a structure shall project over any property line.
- D. Where the same interior property line is utilized for the zero side yard construction of any dividing structure, such dividing structure shall consist of double walls separated by a minimum air space of two (2) inches, in order to limit undue noise between adjoining dwelling units.
- E. Where the same interior property line is utilized for the construction of any zero side yard structure, all the provisions of the most recently adopted version of the Standard Building Code and Standard Fire Prevention Code shall be met and all such fire walls shall have a rating of not less than two (2) hours duration.
- F. All residential structures must contain a fire wall between the various dwelling units, extending from the footing to the underside of the roof deck, without openings which would permit the spread of fire. Such wall shall not have less than two (2) hours fire rating. The fire wall must be bisected by a line dividing each dwelling so that one-half of the fire wall is on each parcel.
- G. Individual water and sewer services, as well as metering and service maintenance easements, for each zone lot shall be required.
- H. All the requirements of the Gallatin Subdivision Regulations shall be met.
- I. All Current requirements of the Standard Fire Prevention Code must be satisfied.

#### 12.09.020 Special Provisions

- A. The side yard setback may be zero on any parcel provided that the parcel adjacent to that side yard is held under the same ownership at the time of initial construction.
- B. No zero side yard shall be adjacent to any public or private right-of-way, nor shall it be adjacent to any parcel of land not being approved for a zero lot line development.
- C. Exterior building materials shall be of the same type and quality of other dwelling units in the neighborhood or on adjoining lots, or in the case of special districts governed by this Ordinance, comply as applicable.
- D. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic

enhancement of the development and privacy of the occupants, as well as the screening of objectionable views or uses, and the reduction of noise, when by the planning staff, or planning commission, as well as sections within this Ordinance, as applicable.

- E. The appearance and character of the site shall be preserved, as appropriate, and enhanced by retaining and protecting existing trees and other site features. Additional new plant material shall be added for privacy, beauty of buildings and grounds, and to screen objectionable features.
- F. Appropriate notations verifying these standards shall be placed on the application form for a building permit when a subdivision of land is not involved in the review and approval of any zero lot line development, or on the applicable subdivision plat whenever any zero lot line developments are involved. Such notations shall be placed on the plans to be reviewed by the planning commission as special exceptions whenever zero lot line dwellings are involved. Architectural drawings and perspective illustrations may be required to substantiate compliance with the design criteria within this section if required by the appropriate approving person(s), or commission in question.
- G. The minimum lot size required for any such dwelling shall be as stipulated by the development area per dwelling unit as provided in each respective zone district.

#### **12.10 Special Provisions for the Continuance and Extension of Public Streets and Utilities through Development Sites Remaining in Single Ownership**

##### **12.10.010 Purpose**

It is held to be in the public interest to protect the health, safety, and welfare of residents of developments, which by reason of ownership or method of development places numerous dwellings on a single parcel of ground in which the ownership remains undivided, and the general public by providing for the orderly continuance of street patterns and the extension of utilities service, drainage ways, etc., through such developments. It is the purpose and intent of these provisions to protect that interest by enabling the extension of these facilities by the dedication of easements, rights-of-way, etc., through such sites.

##### **12.10.020 Requirement for Site Plan**

Within such developments as described above, the following shall apply:

- A. In any instance where a portion of the site or any facilities or utilities located on the site are to be dedicated for public use, a plat meeting the requirements set forth below shall be prepared, submitted for approval, and upon approval, filed with the County Registrar. See the Gallatin Subdivision Regulations for specific requirements.
- B. A site plan meeting the provisions of Section 15.03.020 shall be prepared except where otherwise indicated.

#### 12.10.030 Contents of Required Site Plan

The following information shall appear on all plats prepared in accordance with the provisions contained within this Section:

- A. a boundary survey of the site indicating the location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot;
- B. the location and width of all streets, easements, rights-of-way, or other properties located within the site which are to be dedicated to the public. The purpose and restrictions concerning all easements shall be noted;
- C. the size and location of all utility lines and necessary valves, connections and other appurtenances which comprise utilities to be dedicated to the public;
- D. the distance and bearing from one point along the boundary of the development to an established survey monument;
- E. certificate of accuracy, dedication, and acceptance as may be necessary to establish transfer of all dedicated properties and facilities (format of certificates may be taken from the Subdivision Regulations).

## **12.11 Standards for Telecommunication Towers and Antennas**

### **Section 1. PURPOSE AND GOALS**

The purpose of this ordinance is to establish general guidelines for siting of wireless communication towers, antennas and related equipment housing facilities. The goals are to:

- (a) Minimize the total number of towers throughout the City of Gallatin City limits and its related planning region by:
  - Encouraging strongly the location of antennas of at least three (3) wireless communications providers per existing or new tower, and by;
  - Encouraging strongly wireless communication providers to initially maximize and to continue to update equipment, to the extent made possible by the then current technical state of art, to ensure the highest possible cell capacity in terms of number of calls handled (or other succeeding capacity measurement);
- (b) Protect residential areas and land uses from potential adverse visual and/or safety impacts of towers, antennas and housing facilities;
- (c) Encourage users of antennas to locate them, to the extent possible, on existing structures, such as lighting towers, water tanks or buildings, and encourage users of towers and antennas to locate them, to the extent possible, in nonresidential areas where the adverse impact on the community is reduced;
- (d) When it is determined by substantial data that no alternate location of a tower is possible other than in a residential area, encourage strongly users to employ alternate tower (sometimes referred to as "stealth") designs or locations, such as modified clock towers, church spires, flag poles, artificial trees or building modifications;
- (e) When new tower siting is the only available alternative, to require siting of the most visually intrusive and taller towers in the less developed, lower population areas and to require adequate landscaping, both of tower base and housing facilities, which will necessarily be more rigorous in residential areas where potential visual impact is greatest. Where higher visual impact towers are unavoidable, such as guyed lattice towers, to locate them in outlying areas of the community as defined by the radii measured from the City Hall of Gallatin set forth herein; and
- (f) Encourage users to employ tower types and antenna configurations having the least visual impact on the community, such as monopole designs, and, if using horizontal cross-bar or star-antenna mounts is unavoidable, to blend or shield them into the tower, using "stealth shrouds."

### **Site Selection Policies:**

In order to accomplish the above goals and to protect and promote the public health, safety and welfare the City of Gallatin will use the following order of preference in siting wireless communications antennas and towers:

- (a) Within any district, sites should be located in the following order of preference:
  - (1) Co-location of antennas on, or replacement of, existing towers and, in the process, adding additional co-locaters to the tower.
  - (2) On existing structures such as buildings, communications towers, water towers, smokestacks, and athletic, street or traffic light standards (See following figures 4,6,7, and 8).
  - (3) Using stealth designs involving mounting antennas within existing buildings or structures in the form of bell towers, clock towers, or other architectural modification of buildings, or by mounting antennas on artificial trees.
  - (4) In locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
- (b) Certain types of wireless communications facilities are more appropriate in some districts than others. The District Use Standards contained in Section 7 provide the basis for modifications to the Zoning Ordinance concerning suitability of districts to accommodate the various types of wireless communications facilities. In addition to the Chart of Use Standards, this ordinance has established a set of uniform standards for visual impact applicable to the various type of facilities and districts. The policies balance wireless communications provider and home owner concerns and are based on the specific impacts of the different types of wireless communications in relation to the character of land uses found in the City of Gallatin and its planning region. For example, the policies recognize that guyed lattice towers generate the greatest impacts and, therefore, are most suitable at outside minimum distance radii from the historic downtown district as measured from the Gallatin City Hall (See following Figure 9).

## THE USE OF EXISTING VERTICAL ELEMENTS TO MOUNT COMMUNICATION EQUIPMENT

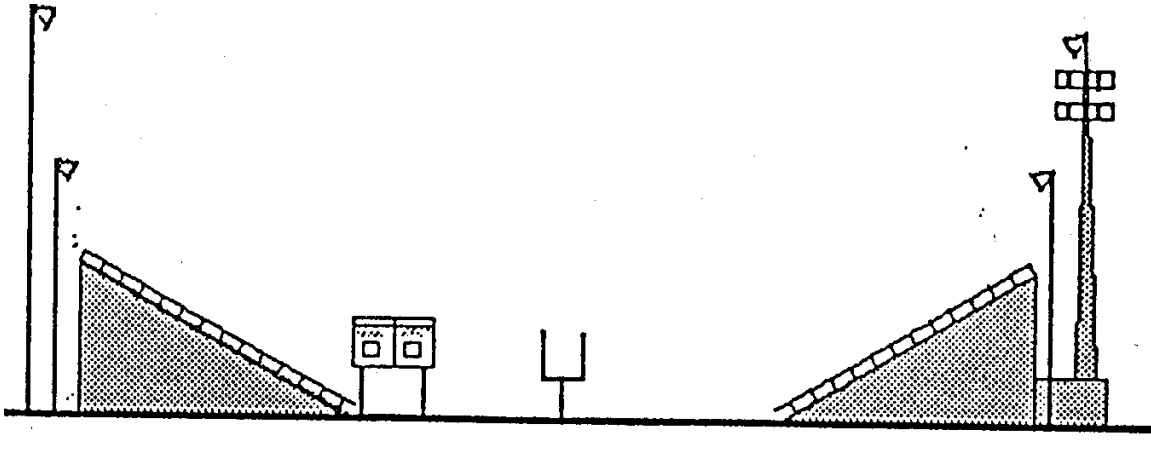


Fig. 4: Athletic Field Standards.

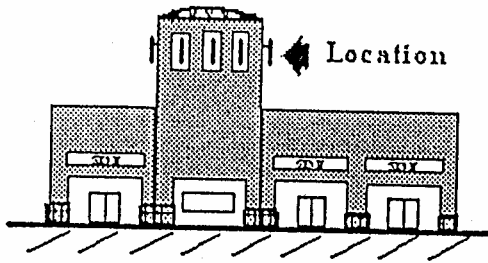


Figure 6: Commercial Architectural Features

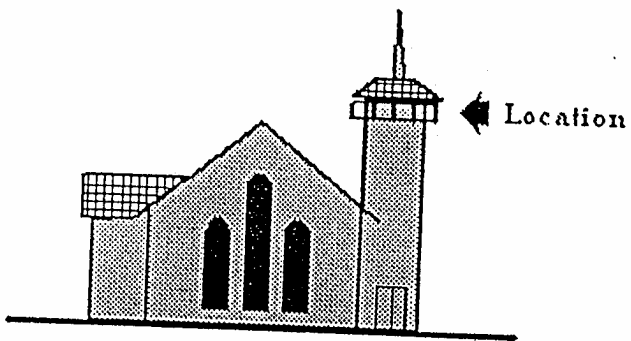


Figure 7: Church Steeples

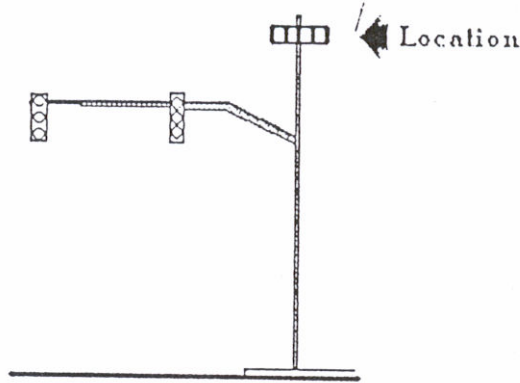


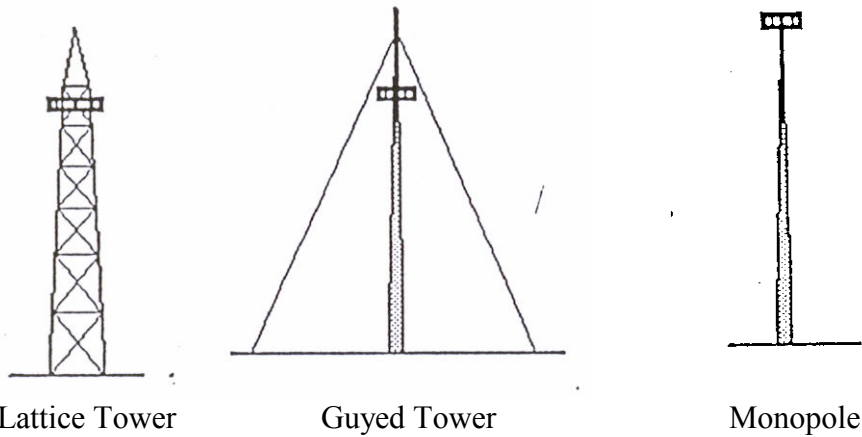
Figure 8: Street Lights and Signal Standards

## Section 2. DEFINITIONS AND TYPES OF FACILITIES

As used in this ordinance, the following terms shall have the meanings set forth 'below:

- (a) "Stealth" tower structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- (b) Antenna. Any apparatus designed for telephone, data, radio, or television communications through the sending and /or receiving of electromagnetic waves.
- (c) Cell. The area served by one (1) communication tower, estimated by one PCS service provider's engineer as presently about the area covered within a two and a half (2 ½) mile radius of the tower; however, as the number of phone users increases, this distance decreases, i.e., cells have to be split with additional towers/antennas.
- (d) Co-location. The use of a single tower or other support structure and site by more than one wireless communications provider.
- (e) FAA. The Federal Aviation Administration.
- (f) FCC. The Federal Communications Commission.
- (g) Height. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna or lighting rod.
- (h) Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, such as guyed lattice or monopole towers.

Figure 9: Tower Design



### Section 3.      APPLICABILITY

- (a) New Towers and Antennas. All new towers or antennas in the City of Gallatin shall be subject to these regulations, except as provided in Sections 3 (c) through (e) inclusive.
- (b) Small Towers. This Ordinance shall not govern any tower, or installation of any antenna, that is less than forty (40) feet in height and is connected to a residence, except for the following requirements:
  - (1) All towers are subject to safety inspections.
  - (2) The fall zone of a small tower shall not equal a distance greater than the distance from the base to the property line.
  - (3) Small towers shall comply with the National Electric Code 810, Section B.
  - (4) Small towers shall be installed in accordance with the manufacturer's specifications and shall conform to the wind and ice loading specifications of the City of Gallatin.
  - (5) No small tower shall be located in the front of the building façade facing any street.
- (c) Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 4(f) and 4(g).
- (d) AM, FM and Television Transmitting Antennas and Arrays. For the purposes of implementing this Ordinance, an AM, FM, or TV antenna array, consisting of one or more tower units and supporting ground system which functions as one broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the array. Additional towers may be added within the perimeter of the array by right.



- (e) Amateur Radio Stations. Amateur radio stations (Hams) licensed under FCC Regulations, Part 97, shall be compliant with FCC 97.15 (a-e) and shall not be subject to the regulations of this Ordinance, other than as listed below:
- (1) The normal fall zone of the amateur tower shall not equal a distance greater than the distance from the base of the tower to the property line.
  - (2) All towers are subject to safety inspections.
  - (3) Fall zones greater than the distance from the base of the tower to the property line shall require written permission from the affected property owner. This written permission shall be kept on file by the amateur station operator. The amateur station operator may be required to show this document to the City Codes Inspector.
  - (4) At no time shall the fall zone of the tower include a structure not owned by the amateur station operator, i. e., a neighbor's house or any other building having human occupancy.
  - (5) Amateur towers shall be in compliance with the National Electric Code 810, Section C.
  - (6) Amateur towers shall be installed in accordance with manufacturer's specifications and shall conform to the wind and ice loading specifications for the City of Gallatin.
  - (7) No Amateur tower shall be located in front of the building façade facing any street.
  - (8) Amateur towers greater than 100 feet from the base to the highest point of the tower shall require approval. Application must be made to the City Planning Office.
- (f) Citizens Band Station. Citizens band stations (CB) shall be governed under Section 3. (b) above. CB stations shall be compliant with FCC Regulations Part 95 [For antenna heights see FCC 95.408 (c) (1-2)].

#### Section 4. GENERAL GUIDELINES AND REQUIREMENTS

- (a) Principal or Accessory Use. For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot. For purposes of determining whether the installation of a tower or antenna complies with district regulations, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased area within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.
- (b) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Planning Office an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of

Gallatin, its planning region, or within five (5) miles of the border thereof, including specific information about the location, height, design, existing use and available capacity of each tower. The Planning Office may share such information with other applicants applying for administrative approvals or new tower permits under this ordinance or other organizations seeking to locate antennas or towers within the jurisdiction of the City of Gallatin, provided, however, that the Planning Office is not, by sharing such information, in any way representing that such sites are available or suitable for tower construction.

- (c) Aesthetics. Towers and antennas shall meet the following requirements:
  - (1) Towers shall either maintain a galvanized (dull gray, not shiny) steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower site into the natural setting and surrounding structures.
  - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (d) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- (e) State and Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulation, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense (See Penalties, Section 16).
- (f) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from

time to time. If, upon inspection, the City of Gallatin concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense (See Penalties, Section 16).

- (g) Measurement For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Gallatin irrespective of municipal and county jurisdictional boundaries.
- (h) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communications system in the City of Gallatin have been obtained and shall file a copy of all required franchises with the City.
- (i) Public Notice. For purposes of this ordinance, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 7 (f), in addition to any notice otherwise required by the Zoning Ordinance.
- (j) Advertising. No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.
- (k) Tower Extension. To permit co-location, the tower shall be designed and constructed to permit extensions to a maximum height of 199 feet where permitted by district height regulations.
- (l) Tower Safety Design. Towers shall be designed to collapse within the lot lines, and clear of any manned building or structure on or adjacent to the lot, in case of structural failure.
- (m) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 9.
- (n) Multiple Antenna/Tower Plan. The City of Gallatin encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

## Section 5. EXCEPTIONS

- (a) The provisions of this part of the Ordinance shall not apply to:
  - (1) Antennas or towers located on property owned, leased, or otherwise controlled by the City and under 50' in height.
  - (2) Antennas or towers located on property owned, leased, or otherwise controlled by the City and over 50' in height, and in accordance with Section 6 (a) and (b) of this part.

## Section 6. ADMINISTRATIVELY APPROVED USES

- (a) General. The following provisions shall govern the issuance of administrative approvals for replacement of existing towers and antennas and adding new antennas to any existing tower, building, or other structure.
  - (1) The Zoning Administrator may administratively approve the uses listed in this Section.
  - (2) Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Section 7 (a) and 7(b), if applicable, of this ordinance and pay a non-refundable fee as established by resolution of the City Council to reimburse the City of Gallatin for the costs of reviewing the application.
  - (3) The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Sections 4, 7(c), 7(d), 7(e), 7(f) and 7(g).
  - (4) The Zoning Administrator shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
  - (5) In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction, provided that the reconstructed tower shall have provisions for mounting the antennas of a minimum of three (3) telecommunications service providers as well as, at the tower base, space and concrete pads for the related accessory buildings.
  - (6) If an administrative approval is denied, the applicant has the right to appeal to the Planning Commission.
- (b) List of Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:

- (1) Locating antennas on existing structures or towers consistent with the terms of subsections of (a) and (b) below:
- a) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight or more dwelling units, provided:
    - (i) The antenna does not add more than twenty (20) feet to the highest point of the structure; and
    - (ii) The antenna complies with all applicable FCC and FAA regulations and does not require additional lighting pursuant to FAA or other applicable requirements; and
    - (iii) The antenna complies with all applicable building codes.
  - b) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one provider on existing towers shall take precedence over the construction of new towers, provided that such co-location is accomplished in a manner consistent with the following :
    - (i) A tower which is modified or reconstructed to accommodate the co-location of one or more additional antennas to provide the required minimum of three locators, shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.
    - (ii) Height
      - a) An existing tower may be modified or rebuilt to a taller height, not to exceed twenty (20) feet per additional co-locator, including a lightning rod, for a minimum total of two co-locators, where allowed by the zone district maximum height and tower setbacks.
      - b) The height change referred to in subsection (ii) a) may only occur one time per communication tower.
      - c) The additional height referred to in subsection (ii) a) shall not require an additional separation as set forth in Section 7(f). The tower's premodification height shall be used to calculate such distance separations.
    - (iii) Onsite location
      - a) A tower which is being rebuilt to accommodate co-location of additional antennas may be moved onsite within fifty (50) feet of its existing location.

- b) After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
  - c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 7(f). The relocation of a tower thereunder shall in no way be deemed to cause a violation of Section 7(f).
  - d) The onsite relocation of a tower which comes within the setback distances to residentially zoned lands as established in Section 7(c) is prohibited.
- (2) Installing a cable micro-cell network through the use of multiple low powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

## Section 7. NEW TOWER PLACEMENT

- (a) Siting Policy. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- (1) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - (3) Existing towers or structures do not have sufficient structural strength/space to support applicant's proposed antenna and related equipment.
  - (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - (5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding the cost of new tower development are presumed to be unreasonable.
  - (6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (b) Application Requirements. The applicant for a zoning permit for construction of a new communications tower must file with the Zoning Administrator an application accompanied by the following documents, if applicable, and a site plan shall be approved by the Planning Commission prior to the issuance of a building permit:

- (1) Specifications. One copy of typical specifications for proposed structures and antenna, including description of design characteristics and material.
- (2) Site Plan (Nine Copies). A scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, on-site land uses and zoning, Land Use Plan classification of the site and all properties within the applicable separation distances set forth in Section 7(f), adjacent roadways, proposed means of access, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses. The Zoning Administrator may require other information to be necessary to assess compliance with this Ordinance. Additionally, applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the midground, and the background of the site.
- (3) Landscape Plan. A landscape plan showing specific landscape materials.
- (4) Fencing Plan. Method of fencing, and finished color, and, if applicable, the method of camouflage and illumination.
- (5) Tower Location Map. A current map, or update for an existing map on file, showing locations of applicant's antenna, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the city;
- (6) Co-Location. The applicant shall provide copies of its co-location policy. Also, the applicant must submit an engineering report certifying that the proposed tower is compatible for co-location with a minimum of three (3) users. The latter provision may be waived by a governing body in a particular case.
- (7) Propagation Maps. The applicant shall provide copies of propagation maps demonstrating that antennas and sites for possible co-locator antennas are no higher in elevation than necessary.
- (8) Antenna Capacity/Wind Load/Ice Load. A report from a structural engineer registered in Tennessee showing that the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards.
- (9) Separation Distance. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of existing tower(s) and owner/operator of the existing tower(s), if known.

- (10) Antenna Owners. Identification of the owners of all antenna and equipment to be located at the site as of the date of application.
- (11) Proof of Ownership/Owner Authorization. Legal description of the parent tract and leased parcel (if applicable). Proof of ownership (deed or title documentation) or a letter of authorization for the application from the owner of the real property on which the telecommunications facility is proposed to be located.
- (12) FAA and FCC Information. All applications for permits in Gallatin shall be accompanied by a Determination of No Hazard from the FAA as well as all required FCC permit information.
- (13) Visual impact Analysis. Pictures of any potential visual and aesthetic impacts on adjacent residential districts (Pictures taken to North, South, East, and West of site.).
- (14) Reduction of Visual Impact. The applicant has taken reasonable measures to assure that the proposed communication tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area (i.e., adjacent public rights-of-way) in accordance with minimum standards of applicable federal and other regulations. Additionally, the applicant shall describe the proposed methods for minimizing the visibility of the proposed telecommunications facility, including but not limited to all screening, landscaping, cladding materials, and paint color or other treatment samples.
- (15) Safety Codes. Applicant must show that all applicable health, nuisance, fire, and safety codes are met.
- (16) Evidence acceptable to the City that the property owner and the telecommunications provider shall remove, at the property owner's and the telecommunications provider's cost and expense, the telecommunications facility and all equipment and restore the property to a condition substantially similar to that existing before the installation following abandonment of the facility or non-use for a period of six (6) months. Such removal shall not, however, include removal of installed landscaping unless approved by the City. Such evidence may be in the form of an executed agreement between the telecommunications provider and the property owner that is approved by the City Attorney. Such, an agreement shall provide that the agreement may not be terminated without the City's written consent and the agreement shall be enforceable by the City against the property owner and the telecommunications provider.
- (17) Evidence that the telecommunications provider has obtained or secured a performance bond, letter of credit, or other surety ("performance guarantee") acceptable to the City Attorney in an amount of one hundred twenty percent (120%) of the estimated cost and expense of removing the telecommunications facility following abandonment of the facility or non-use of the facility for a



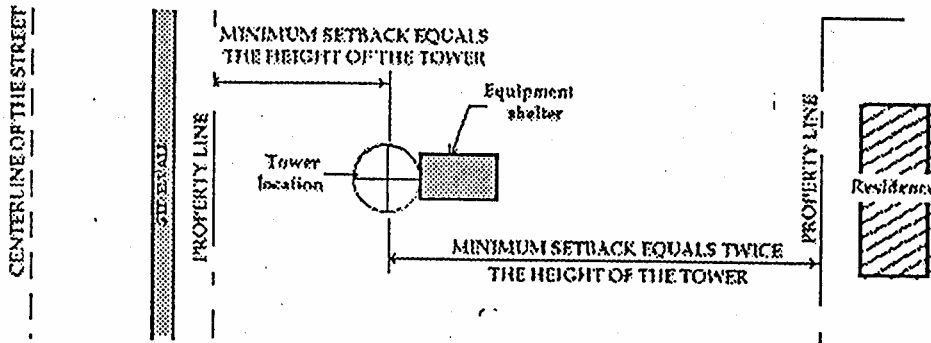
period of six (6) months. All performance guarantees shall authorize the City to obtain the funds secured by the guarantee upon the City's determination that the telecommunications facility is abandoned or no use of the facility has been made for a period of six (6) months. The amount of such performance guarantee shall be based upon an estimate obtained by the telecommunications provider which shall be subject to review and approval of the City Engineer. In the event that the City rejects an estimate as inaccurate, incomplete, or incorrect, the City may obtain, at its cost and expense, an estimate which shall be used for purposes of determining the amount of the performance guarantee. The telecommunications provider shall take all action necessary to keep such performance guarantee valid and in effect at all times. Expiration of a performance guarantee may, at the option of the City and following notice to the telecommunications provider, result in the expiration of the City's approval of the telecommunications facility.

- (18) The applicant telecommunications provider shall provide proof of insurance to insure adjacent property owners and the public against personal and property damage resulting from negligent installation and/or damage caused by or arising from the operation and maintenance of the telecommunications site.
  - (19) The applicant shall notify adjoining property owners by certified letter concerning the project 14 days prior to public hearings before the Planning Commission.
  - (20) A description of the suitability of the use of existing towers, other structures or alternate technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
  - (21) A description of the feasible location(s) of future towers or antennas within the City of Gallatin based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (c) Setbacks. The following setback requirements shall apply to all towers and antennas for which a site plan is required, except for alternate design ("stealth") towers when the latter towers are installed within or on a building or structure.
- (1) All towers shall be set back from any adjoining lot line by a distance which is equal to one hundred percent (100%) of the height of the tower measured from finished grade from the base to the highest point of the tower, including antenna and/or lightning rod (Figure 1). In the event that any building or structure having human occupancy intervenes on a setback line measured from any tower, the required setback distance shall be measured from the tower to the nearest point of the occupied building or structure.
  - (2) The tower shall be set back from any residential property line or property designated historically or architecturally significant a minimum distance of two (2) feet for each one (1) foot of tower height.
  - (3) Anchor, guys, and accessory facilities shall satisfy the minimum zoning district setback requirements for primary structures.

- (4) Wireless communication towers shall avoid locations, which are immediately adjacent to a public right-of-way. Towers shall be set back from the property line along the right-of-way at least one foot (1') for each one foot (1') of tower height (Figure 1).

## SETBACKS

Fig. 1



- (d) Maximum Heights By Zoning Districts. The following maximum height requirements shall apply to all towers and antennas, except alternate design ("stealth") towers when the latter towers are installed within or on a building or structure (See Footnote 1).

Maximum Tower Height (1)	Feet
All Residential Districts	50
All Commercial & Industrial Districts (2)	150
All Agricultural Districts	199

- (1) Maximum height shall be measured from finished grade of base to highest point of tower, including antenna and/or lightning rod, and shall not exceed FAA Regulations; alternate design ("stealth") towers are excluded from these height regulations when sited within an existing building or structure and do not increase the height of the applicable building or structure by more than twenty (20) feet.
  - (2) Note minimum radii from Gallatin City Hall for siting of guyed lattice and freestanding monopole towers.
- (e) Radii from City Hall. The following radii, measured in air miles from the Gallatin City Hall to the base of the tower, shall be the minimum distance for siting the following types of towers (in order of greater to lesser visual impact):
- (1) guyed lattice towers: three (3) miles; and
  - (2) unguyed monopole towers (over 50 feet in height): two (2) miles.

- (f) Separation distance between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in the following table.

**MINIMUM SEPARATION DISTANCES BETWEEN TOWERS BY  
TYPE (IN FEET, BASE TO BASE) (1)**

	Guy Lattice	Unguyed Monopole (50 ft. in height or greater)	Unguyed Monopole (Less than 50 ft. in height)	Stealth Design
Guy Lattice	13,200	6,600	3,300	1,650
Unguyed Monopole (50 ft. in height or greater)	6,600	6,600	3,300	1,650
Unguyed Monopole (Less than 50 ft. in height)	3,300	3,300	3,300	1,650
Stealth Design	1,650	1,650	1,650	1,650

- (1) Note minimum radii from Gallatin City Hall for siting of guy lattice or unguyed monopole (Stealth design excluded).
- (g) Site Selection Policies. The following District Use Standards Chart contains regulations setting forth permitted and conditional uses by Zoning District which shall be followed in considering site plans for siting new towers.

## WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS DISTRICT USE STANDARDS

Facility Type (1)

District	Co-location On or Repl. of Existing Tower (5); Light Pole Mount	Roof or Building Mount	Stealth Design	Unguyed Monopole (2)	Guy Lattice (2)	Micro-cell or Repeater (4)
A	P	P	P	P	P	P
R-40	P	NP	P	NP	NP	NP
R-20	P	NP	P	NP	NP	NP
R-15	P	NP	P	NP	NP	NP
R-10	P	CU (3)	P	NP	NP	NP
R-8	P	CU (3)	P	NP	NP	NP
R-6	P	P (3)	P	NP	NP	NP
PRD	P	P	P	NP	NP	NP
CC	P	P	P	NP	NP	NP
CG	P	P	P	P	P	P
CS	P	P	P	P	P	P
PGC	P	P	P	NP	NP	NP
PNC	P	P	P	NP	NP	NP
MRO	P	P	P	NP	NP	NP
GO	P	P	P	NP	NP	NP
OR	P	P	P	NP	NP	NP
MU	P	P	P	NP	NP	NP
IR	P	P	P	P	P	P
IG	P	P	P	P	P	P
PBP	P	P	P	P	P	P

P= Permitted Use

CU=Conditional Use

NP=Not Permitted

- (1) Shall meet height and separation distance regulations by zoning district and tower or antenna mount type.
- (2) Shall meet minimum radii distance regulations from Gallatin City Hall.
- (3) Shall be permitted only on multi-family dwellings of eight units or more.
- (4) Repeater or satellites dishes shall be of the open grid design.
- (5) Replacement towers shall conform to zoning district height and setback regulations.

*N. B. Unguyed lattice towers of tapered design, base to top, are specifically excluded from all City of Gallatin zoning districts.*

## Section 8. VISUAL IMPACT & SCREENING POLICIES

The unique and diverse landscapes of the City of Gallatin and its planning region are among its most valuable assets. Protecting these valuable assets will require that location and design of wireless communication facilities be sensitive to the setting in which they are placed. This is especially true in the hilly parts of the City of Gallatin and its planning region where homes may be oriented to capture significant views and where sight distance is greater. Visual concerns should include both those found on and off site. The following policies have been incorporated into the modifications to the Zoning Ordinance establishing the visual impact and screening criteria applicable to wireless communications facilities.

The following visual policies are applicable to wireless communications facilities:

- (a) Wireless communications facilities should be located and designed to minimize any adverse effect they may have on residential property values.
  - (1) Colors and facility designs shall be used which are compatible with surrounding buildings and/or uses in the area or those likely to exist in the area and shall prevent the facility from dominating the surrounding area.
  - (2) Location and design of sites in commercial or industrial zones shall consider the impact of the site on the surrounding neighborhood, particularly the visual impact within the zone district.
  - (3) Security fencing shall be colored or shall be of a design which blends into the character of the existing environment.
  - (4) Freestanding facilities shall be located to avoid a dominant silhouette on top of ridges.
- (b) Certain components of a site create a greater impact than other components. For example, the cross bar, star mount or other antenna mounting device and accessory building which may typically be part of a freestanding wireless communications facility or a micro-cell or repeater site, may create a strong visual impact in a residential, rural or hilly environment. A horizontal plane in a vertical setting can be intrusive, so the cross bar or other horizontal mounting device shall be placed below the tree line to adequately mitigate its visual effect or shall be covered with stealth shrouds to provide a smooth transition between the tower and the antenna mount. Wireless communications components shall be afforded maximum screening, using existing vegetation and/or topography to minimize visual impact on the surrounding community.
- (c) Facilities shall be architecturally compatible with surrounding buildings and land uses in the zone district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.
- (d) Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation shall be preserved or improved, and

disturbance of the existing topography of the site shall be minimized, unless such disturbance will result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques shall be evaluated, taking into consideration the site as built.

- (e) At the time of rezoning, conditional use request or application for site plan approval, an evaluation of the visual impact shall be taken into consideration if vegetation is to be removed for wildfire mitigation.
- (f) Innovative design shall be used whenever the screening potential of the site is low. For example, by using existing light standards and telephone poles as mounting structures (Figure 4 attached) or by constructing screening structures which are compatible with surrounding architecture, the visual impact of the site may be mitigated.
- (g) Roof and/or Building Mount Facility. Antennas on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Microwave antennas exceeding 12 inches in diameter on a roof or building mounted facility shall not exceed the height of the structure to which they are attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.
- (h) Security Fencing. Towers and equipment shelters shall be enclosed by security fencing not less than six (6) feet in height and also shall be equipped with an appropriate anti-climbing device. Access gate(s) shall be locked at all times when the site is not occupied.
- (i) Landscaping. The following requirements shall govern the landscaping surrounding towers and equipment shelters for which a site plan is required; provided, however, that the Planning Commission may waive such requirements, as it deems appropriate.
  - (1) Equipment Shelters. The design of equipment shelters should be compatible with adjacent buildings, and should not encroach into required tower or building setbacks or landscape areas. Mechanical equipment shall not be visible from beyond the boundaries of the site (Figure 2). Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening and it shall be of such plant materials as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting outside the perimeter of the facilities and shall be permanently maintained.

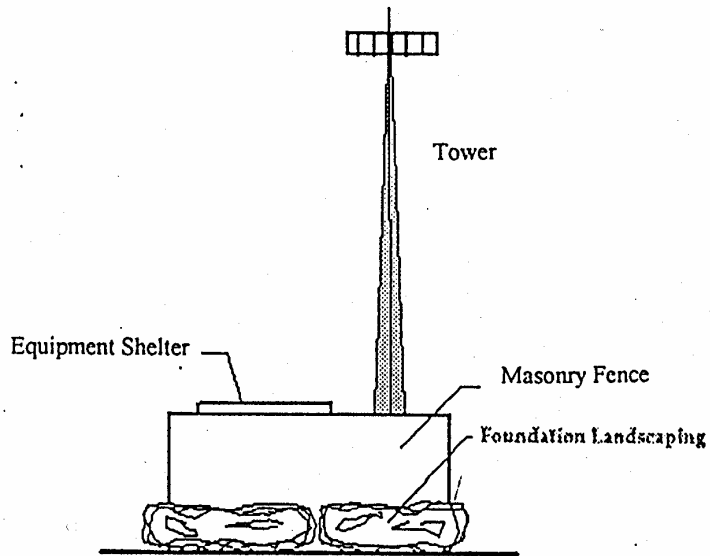
- (2) Towers. Trees, landscaping, and other screening devices shall be used to help screen the tower from adjacent residences. Placement of the landscaping or screening devices should be done so as to minimize the view of the tower from residential sites (Figure 3).
- (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Planning Commission may determine the natural growth around the property perimeter may be sufficient buffer.
- (4) Existing trees within 200 feet of the tower shall not be removed except as may be authorized to permit construction of the tower and installation of access for vehicle utilities. This provision may be waived by the Planning Commission in a particular case.

## Section 9. BUILDING OR OTHER EQUIPMENT STORAGE

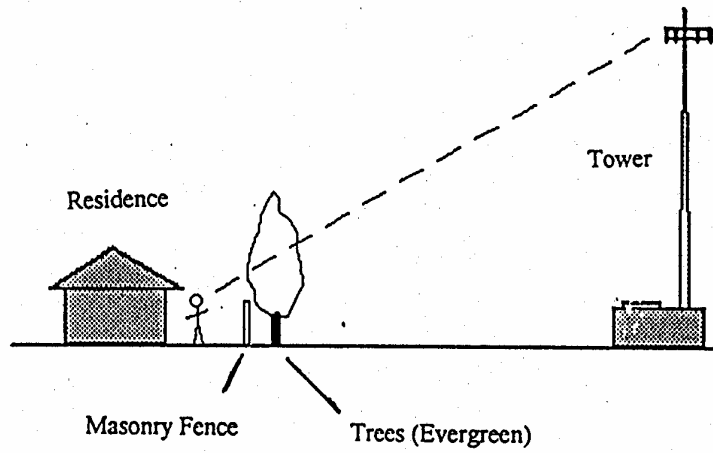
- (a) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
  - (1) For rooftop or other structure mounting, the cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof or the structure.
  - (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area.
  - (3) Equipment storage buildings or cabinets shall comply with all applicable building codes.
- (b) Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with the antennas shall be located in accordance with the following:
  - (1) In residential districts, the equipment cabinet or structure may be located:
 

In a rear yard, provided the cabinet or structure is no greater than 12 feet in height or 100 feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet, a planted height of at least 48 inches and shall be permanently maintained.

**Ground Mounted Equipment Screen**  
Fig. 2



**Perimeter Landscape Screening**  
Fig. 3





- (2) In industrial districts, the equipment cabinet or structure shall be no greater than 20 feet in height or 200 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet, a planted height of at least 48 inches, and shall be permanently maintained. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut, or are directly across the street from the structure or cabinet, by a shadow box fence six (6) feet in height, or an evergreen hedge with ultimate height of 12 feet, a planted height of a least 60 inches, and shall be permanently maintained.
- (c) Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height, and shall be located no closer than 40 feet from all lot lines.
- (d) Modification of Building Size Requirements. The requirements of Section 9(a) through (c) may be modified by the Zoning Administrator in case of administratively approved uses or by the Planning Commission in the case of permitted uses to encourage co-location.

#### Section 10. REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of notice from the City of Gallatin notifying the owner of such equipment removal requirement. Removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The site shall be revegetated to blend with the existing surrounding vegetation. The buildings may remain with the owner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Failure to remove the tower, and related materials specified in this paragraph, within the ninety (90) day period shall result in forfeiture of the performance guaranty required under Section 7 of this ordinance.

#### Section 11. NON-CONFORMING USES

- (a) Not Expansion of Non-Conforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provision of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.
- (b) Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the provisions of this ordinance.
- (c) Rebuilding Damaged or Destroyed Non-conforming Towers or Antennas. Notwithstanding Section 10, bona fide non-conforming towers and antennas that are

damaged or destroyed may be rebuilt without having to first obtain administrative approval or a zoning permit and without having to meet the separation requirements specified in Section 7 (f). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed to be abandoned as specified in Section 10.

## Section 12. LOCAL GOVERNMENT ACCESS

Owners of towers shall provide the City co-location opportunities as a community benefit to improve radio communications for City departments and emergency services, provided it does not conflict with co-location requirements of Section 7.

## Section 13. REPORTING, REVIEWS & FEES

- (a) Required Yearly Report. The owner of each such tower or antenna shall submit a report to the City of Gallatin once a year, no later than July 1. The report shall state the current user status of each tower and antenna installed and operated in the City of Gallatin, its planning region or within five (5) miles of its planning boundary by each respective owner.
- (b) Co-location Request Review by Tower Owners. Owners of wireless communication towers within the City of Gallatin or its planning region shall review written requests for co-location on the towers within 45 days of receipt and provide a written reply to the requesting provider within two (2) weeks of completion of its review; reasons for any denial shall be covered fully in the written reply and clearly explained. Failure to comply with this provision may result in revocation of a zoning permit.
- (c) Third Party Review. The wireless communications industry uses various methodologies and analysis tools, including geographically based computer software, to determine specific technical parameters of a wireless communications facility, such as expected coverage area, antenna configuration, topographic constraints that affect signal paths, etc. In certain instances there may be a need for expert review by a third party of the technical data submitted by the wireless communications provider. The Planning Commission, or the Zoning Administrator, may require such a technical review, to be paid for by the applicant for the wireless communications facility. Selection of the third party expert may be by mutual agreement among the applicant and interested parties or at the discretion of the City with a provision for the applicant and interested parties to comment on the proposed expert(s) and review qualifications.

The expert review is intended to be a site-specific review of technical aspects of the wireless communications facility and not a subjective review of the site selection.

Such a review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the Planning Commission, staff or interested parties. Based on the results of the third party review, the City may require changes to the application for the wireless communications facility that comply with the recommendations of the expert.

The expert review of technical submission shall address the following:

- (1) The accuracy and completeness of submissions;
- (2) The applicability of analysis techniques and methodologies;
- (3) The validity of conclusions reached; and
- (4) Any specific technical issues designated by the Planning Commission or the City Council.

#### Section 14. SEVERABILITY

The various parts, sections and clauses of this part of the ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

#### Section 15. REPEALER

Any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

#### Section 16. PENALTIES

In addition to other remedies provided herein, any violation of this Ordinance may be punishable by penalty to the maximum allowed by the Gallatin City Charter. Each day shall constitute a separate violation hereof.

## **12.12 Special Provisions Governing Mobile Home Parks**

12.12.010 Purpose - The establishment of these provisions is intended to supplement the state health regulations by the Tennessee Trailer Court Act of 1957 (Section 53-3201 through 53-3220, Tennessee Code Annotated) by ensuring a minimum standard of site development for mobile home parks where permitted as a conditional use within a zoning district. It is intended that within any zoning district where permitted, mobile home parks shall be excluded from certain regulations relating to uses other than mobile home parks but that such use shall be subject to the general provisions of the district with regard to the uses permitted within the zoning district in which such use is located. Additionally, it is intended that in any instance of a conflict between the provisions of these regulations and the general provisions of the district as they relate to mobile home parks, these regulations shall apply.

### **12.12.020 Permit**

#### **A. Application for Permits**

The application for "mobile home park permit" shall be filed with and issued by the Sumner County Health Department as authorized by Section 53-3203 of the Tennessee Code Annotated. However, the construction or extension of a mobile home park may not commence within the area of jurisdiction of this Ordinance until a zoning permit has been issued by the Zoning Administrator. A zoning permit may be issued for a mobile home park only upon approval of a zoning permit or conditional use permit by the Board of Appeals. The Board shall act upon an application for a permit after a favorable or conditionally favorable report from the Planning Commission.

Where conditions are attached by the Planning Commission they shall be included as part of the zoning compliance certificate. Additionally, the Board of Appeals may add whatever conditions it sees fit to those established by the Planning Commission.

#### **B. Site Plan Required**

A zoning permit may be issued for the construction or extension of a mobile home park upon submission and approval by both the Planning Commission and the Board of Appeals of a site development plan meeting the minimum requirements.

### **12.12.030 Development Standards**

- A. General - A mobile home park shall be located only as a conditional use within those districts where permitted. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing

contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion shall be used for any purpose which would expose persons or property to hazards.

- B. Minimum Development Size - No mobile home park shall be approved which contains less than three (3) acres in area or has less than fifteen (15) mobile home spaces.
- C. Density - The number of mobile homes permitted within any mobile home park shall be determined as follows:
  - 1. from the gross acreage located within the site of the mobile home park shall be subtracted:
    - any portion lying within a flood district;
    - any portion exceeding 15% in slope;
    - 10% of the remainder for streets.
  - 2. the remaining acreage shall then be divided by 6,000 square feet.
- D. Yards - Along the entire periphery of a mobile home park, yards meeting the district regulations shall be provided. Within the interior portions of a mobile home park, no yards, except as required to meet other provisions set forth in this section, are required.
- E. Setbacks - The setback provisions applicable to the zoning district in which the mobile home park is located shall apply.
- F. Spacing of Mobile Homes and Site Coverage - Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet but not less than fifteen (15) feet.

There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting street.

Mobile home stands shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

## G. The Mobile Home Lot

General: The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans.

Mobile Home Stands: The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA "Minimum Property Standards for Mobile Home Parks", May, 1977.

Outdoor Living Area: Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than three hundred (300) square feet with at least a dimension of fifteen (15) feet.

### 12.12.040 Utilities and Other Services

- A. Water Supply and Distribution System - An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively. Adequate fire protection shall be provided within each mobile home park.
- B. Sewage Disposal - Each mobile home park shall be served by public sewer with service provided each trailer site.
- C. Solid Waste Disposal System - Solid waste collection stands shall be provided, pursuant to the Gallatin Municipal Code as for all other residential zone districts.
- D. Service Buildings - Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations, and plumbing and sanitation systems.

### 12.12.050 Streets

- A. General: All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.
- B. Entrance Streets: Entrances to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic

on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of one hundred (100) feet from its point of beginning.

- C. Circulation: The street system should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to one thousand (1,000) feet and their closed end shall be provided with an adequate turn-around. (60 feet diameter cul-de-sac).
- D. Pavement Widths: Pavements shall be of such width as set forth in the Gallatin Subdivision Regulations.
- E. All streets shall be paved with an all weather bituminous or concrete surface.

#### 12.12.060 Walks

- A. General Requirements: All mobile home developments shall be provided with safe, convenient, all season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.
- B. Common Walk System: A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of four (4) feet.
- C. Individual Walks: All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of three (3) feet.

#### 12.12.070 Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

#### 12.12.080 Buffer and Screening

A landscape buffer shall be provided according to Section 13.04 or as outlined herein, whichever is more stringent. The buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet.

Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped, screen or fence shall be provided within fifteen (15) feet any vehicular entrance and/or exit to the park.

#### 12.12.090 Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

#### 12.12.100 Parking

Parking shall be provided in accordance with Article 11.00, 11.00 of this Ordinance.

##### A. Off-Street Parking

Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least two parking spaces per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve.

#### 12.13 Development on Steep Slopes

Within all districts, the total gross acreage of a development site shall be reduced by an amount equal to the number of acres of the site containing slopes greater than twenty percent (20%) when calculating for the available density or total number of units possible. If the proposal minimizes or eliminates grading or disturbance of these areas, the reduction of total gross site acreage due to sloping areas shall be reduced by fifty percent (50%). All other applicable districts' regulations shall be required of the proposal.



#### **12.14 Home Occupations**

A home occupation may be conducted in a residential dwelling unit provided that:

- A. The Home Occupation does not disrupt the peace, quiet, and domestic tranquillity within any residential neighborhood within which it is located and guarantees to residents freedom from excessive noise, traffic, nuisance, fire hazard and other possible effects of business activities on adjoining residences within 1,000 feet of said Home Occupation.
- B. Only one person other than family members residing on the premises shall be engaged in such occupation and under no circumstance shall more than 3 persons be involved in any home occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- E. No Home occupation nor any storage of goods, materials or products connected with such home occupation shall be conducted in any accessory building except as a secondary use of the accessory structure.
- F. There shall be no sales of goods excluding telephone sales via electronic media in connection with such home occupation.
- G. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- H. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.
- I. There shall be no outside storage of equipment, vehicles, or supplies associated with the home occupation.
- J. Only one home occupation per dwelling shall be permitted.
- K. One vehicle with company logo may be parked on the premises as long as it conforms with the prohibition on truck parking in residential neighborhoods.

### **12.15 Adult Entertainment**

No adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult entertainment center, massage parlor, or sauna shall be operated or maintained within 1000 feet of a residentially zoned district, or within 500 feet of a church, state licensed daycare facility, public library, public or private educational facility that serves persons age seventeen or younger, elementary school, middle school, high school, or municipal park. Only one of the above regulated uses shall be allowed per block face. As used in this Section, "block face" shall contain a maximum of five hundred (500) linear feet of road frontage.

The distance limitations above shall be measured in a straight line from the lot lines of the land containing regulated uses to the lot lines of properties described above.

No adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult entertainment centers shall be operated or maintained except within the IG district.

## ARTICLE 12.00 AMENDMENTS

<b>Section</b>	<b>Ordinance #</b>	<b>Date</b>
12.01.030	O0107-041	08/07/01
12.02	O0404-017	05/18/04
12.02	O0408-046	09/07/04
12.02.050.G	O0602-017	03/21/06
12.02.050.H	O0602-017	03/21/06
12.10.020.B	O9810-060	10/20/98
12.11	O9901-006	02/02/99
12.15	O0402-006	03/16/04
12.01.030	O0409-053	10/19/04